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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Arturo MAGANA-Oliva,

Defendant

Magistrate Docket No.

'08 MJ 2434

COMPLAINT FOR VIOLATION OF:

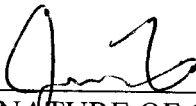
Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

FILED
2008 AUG -6 AM 10:36
CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: KNH DEPUTY

The undersigned complainant, being duly sworn, states:

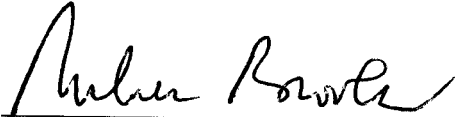
On or about **August 5, 2008** within the Southern District of California, defendant, **Arturo MAGANA-Oliva**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 6th DAY OF AUGUST, 2008



Ruben B. Brooks
UNITED STATES MAGISTRATE JUDGE

00A
9/5/08
KNH

**CONTINUATION OF COMPLAINT:****Arturo MAGANA-Oliva****PROBABLE CAUSE STATEMENT**

On August 5, 2008, Border Patrol Agent E. Esparza was assigned to line watch duties in the Brown Field area of responsibility. At approximately 2:00 p.m., Agent Esparza responded to a citizen's call of four suspected illegal aliens walking along State Route 94. This area is located approximately eight miles east of the Otay Mesa, California Port of Entry and approximately five miles north of the International Border Boundary between Mexico and the United States.

Upon approaching the area, Agent Esparza noticed four subjects sitting under a tree on the north side of State Route 94. Agent Esparza identified himself as a U.S. Border Patrol Agent and conducted an immigration inspection. All four individuals, including one later identified as the defendant **Arturo MAGANA-Oliva**, admitted to being citizens and nationals of Mexico without any immigration documents allowing them to enter or to remain in the United States legally. Agent Esparza arrested all four of the subjects and were transported to the Brown Field Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **May 23, 2008** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights and he was willing to make a statement without an attorney present. The defendant stated the he is a citizen and national of Mexico and that he does not possess any documents allowing him to enter or to remain in the United States legally.